

Kentucky

Gazette.

TWO DOLLARS AND A HALF]

True to his charge—he comes, the Herald of a noisy world; News from all nations, lurching at his back."

[PER ANNUM. SPECIE. IN ADVANCE.

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MEXICAN CONGRESS.

Message from Citizen Guadalupe Victoria, President of the United Mexican States, to the Chambers of the General Congress, pronounced at the solemn opening of its annual session on the 1st of January, 1826.

GENTLEMEN: Our country having increased in prosperity, even beyond the expectation formed from the flattering prospects of the preceding year, having acquired in her course, a degree of internal respect, which has gratified our most sanguine wishes and furnished the hope, of a happiness without limits, in the development ever progressive of the numerous sources and elements of power and grandeur; which abound in this fortunate land, and having at length reaped the fruit of fifteen years of heroic toil; Mexico is placed on a level with the great nations of the Universe, and gives promise of gigantic advances in the career of improvement; this wondrous combination of events unrolls the magnificent plan traced by providence, when regulating, with a wise hand, the order, the means and the fulfillment of the destinies of the Republic.

The august ceremony which has surrounded me, to my inexpressible gratification, with the representatives of the illustrious Mexican people to-day that they return to the exercise of their important legislative functions, gives me an opportunity to present to the Chambers and to the nation a sketch of the year 1825 which will be remarkable in our annals, as more abundant than those which have hitherto preceded it. The favors dispensed to us by the God of Nature and of Society I comply at the same time, with the grateful task of making public the acts of my whole administration, while the Secretaries of the Government fulfil the obligation imposed upon them by the Constitution, of rendering an account to Congress at the commencement of every year of the affairs of their several departments.

The month of January, of the year which has just closed, has deserved great celebrity from their having been then manifested to the diplomatic agents assembled in London, the disposition of the Government of His Britannic Majesty to enter into amicable relations with, and to recognize the Independence of the new American States. This decisive act of the profound policy of the British ministry has disconcerted the plans and machinations of our external enemies, by surprising the cabnets of the allied powers. Thus has been revealed the secret of their ulterior intentions, and they have been forced to confess that they renounced for the future all armed intervention in subjects relating to the insurgent Americans. It was in agitation to extend and establish beyond the Ocean the absurd principles of legitimacy and to abolish liberal ideas in the new world. Protests, repeated acts, a mysterious correspondence with the court of Madrid; all this conspired to found a suspicion that Spain in order to preserve the remnants of his detestable sway, was endeavouring to procure the assistance of the armies and navies of other nations. The invasion of the Peninsula in 1823, including the fatal design of placing Ferdinand VII in a situation to undertake the re-conquest of his former colonies. By his proclamation to the Spaniards, the French generalissimo wished to insinuate that such were the views of his august uncle. Let us acknowledge the generous feeling of the British nation which impelled her to fly to the aid of the cause of reason, of justice and of liberty—and to redeem the Americans from the evils and disasters of war, by the interposition of her trident. The debt of our gratitude is so much the more flattering, as the resolution of the cabinet of St James rested on the unanimous approbation of the English interested in all their political virtue and moral rectitude, are advancing under the system of confederated republics, whose adoption among us by the most spontaneous act on record, strengthening the most intimate union between the neighboring nations, places us on a level with the country of Washington. A Minister Plenipotentiary of that nation, residing near our government, is appointed to conclude treaties, which will soon be submitted to the deliberation of congress. The definitive settlement of the limits between both nations is very important, and the government is endeavouring to facilitate the conclusion of this business upon the unalterable basis of frankness and good faith.

The Republic of Colombia, identifying with our own principles in peace and in war, has concluded a treaty of union, league and perpetual confederation, which now solemnly ratified, is the inviolable pledge of harmony between two friendly countries allied by nature. The squadron of Colombia was prepared to sail for our coast, in fulfilment of one of the articles of the convention; but the recent success of our arms rendered in the opinion of Government, its arrival unnecessary.

The great victories of President Bolivar will hasten in Peru its anxiously desired organization. The independence of that province was acknowledged at the time of the Protectorate of General San Martin, and since no minister appointed by any of the various provisional governments of Peru has yet presented himself in Mexico.

The Chief of the United Provinces of Rio de la Plata has professed the firmest and most cordial friendship of that nation towards Mexico. The Chilian Republic not exempt from monetary changes, cannot delay to communicate with Mexico most intimately and most frequently.

false principle which makes no distinction between communities of men and herds of cattle. With no fear of being in error, I consider this fact as a forward step on the part of France, which must lead her on gradually to imitate the glorious example of her dexterous rival. This opinion has been recently strengthened by the consent of the court of Versailles to send out to us a commercial agent, and to receive one appointed by the republic. It may not be improper to remark that similar measures were taken by England before the final accomplishment of her intentions with regard to the new world.

Although it may be the policy of France to postpone the moment of a definitive resolution, it is certain, and a source of gratification to the friends of humanity, that her actual disposition towards the republic are by no means alarming.

The King of the Netherlands, a descendant of the house Orange, that illustrious supporter of liberty who governs his people with equity and justice, has recognised a provisional consul for Mexico, who is now acting officially in that country, which the active and enterprising genius of its inhabitants have raised upon drained marshes. D'Quartier, commissioner from the King of this republic, expresses to me, in the name of his Government, the adhesion which it professed to the philanthropic principles of our existence.

The President of the Council of Government of Prussia has communicated the appointment of a commercial agent to the Republic, who is now in the capital of this confederation. The progress of the Commercial Company of the Rhine has without doubt, induced the cabinet of Berlin to open, for the advantage of their country, this path, hitherto unknown to the centre of Europe.

The foreign journals communicate satisfactory notices respecting the intentions of Sweden and Denmark. And although the Government is in possession of such official information as might enable them to assure the Chambers of this fact, yet it is reasonable to suppose that two maritime powers, not within the immediate reach of foreign influence, and which may supply some of the articles formerly derived from the Government heretofore maintained by Spain, should hasten to form friendly relations with the American nations.

In the conduct of the Emperor of the Russians, nothing is observed but the happy resolution of the Americans; and as Mexico is, of all the new States, the nearest to the Russian possessions, sooner of later communications will be established with the court of St. Petersburg. Our attention is fixed even now on the memorable use of the 28th of September, 1821, prohibiting all persons, not being Russians, from exercising any commerce, fishery, or industry, whatever, on the islands or coasts of the north-west part of America, from the Straits of Bering to the 51st degree of latitude, or on the Alaskan or Curile islands, or on the eastern coast of Siberia. The protests made by the United States of the north, have explained sufficiently how far this law effected the sovereignty of the seas.

The Holy Father, uniting in himself the double investiture of Sovereign of Rome and head of the Catholic Church, has high claims on the veneration and affection of the Mexicans, who anxiously aspire to connect themselves with the Father of the Faithful, in objects exclusively religious and ecclesiastical. The benevolent letter of the 29th July last, addressed to me by Señor Leon XII, is expressive of his ideas of Justice, and induces a belief that our envoy, who arrived in Brussels in August of the last year, may be personally received and permitted to render homage to the legitimate successor of St. Peter.

And coming to the nations of the happy hemisphere of Columbus, justice and gratitude oblige us first to mention that which is the most ancient in America, and was the first of the civilized world which solemnly acknowledged our rights, after it had preceeded us in the heroic resolution of throwing off the yoke of the mother country. The United States of the north, models of political virtue and moral rectitude, are advancing under the system of confederated republics, whose adoption among us by the most spontaneous act on record, strengthening the most intimate union between the neighboring nations, places us on a level with the country of Washington. A Minister Plenipotentiary of that nation, residing near our government, is appointed to conclude treaties, which will soon be submitted to the deliberation of congress. The definitive settlement of the limits between both nations is very important, and the government is endeavouring to facilitate the conclusion of this business upon the unalterable basis of frankness and good faith.

The Republic of Colombia, identifying with our own principles in peace and in war, has concluded a treaty of union, league and perpetual confederation, which, I confidently hope, will effect a reconciliation of the interests of both nations. The congress will take into consideration this grave negotiation, which holds suspended the attention of the world.

France has solemnly pronounced her anxious wishes to strengthen her mercantile relations with this and the other new republics of America, under guarantees emanating from her government. It is desirable, as well for the advantage of France as for that of the new continent, that the claims of those Frenchmen should prevail in her cabinet, who have ever been animated with the love of glory, and who seek with earnestness a new and rich market for their abundant industry. However the real aspect of the original act may be considered in diplomacy, by which the independence of Hayti has been recognized, it has justified incontestably the right of insurrection, and raised the principle of the expediency of the time being, above that other

During the past year some correspondence has been held with the Republic of the Centre, in order to preserve entire the state of the Chiapas and the government in conformity to the views of Congress, will prefer measures of peace and friendship as long as they are sufficient to maintain the honor of the nation. A Charge d'Affaires to Guatemala has been nominated, who will depart as soon as he obtains the constitutional consent of the Chamber of Senators.

The desired union of Representatives from all the American nations will soon be realized in Panama, to consolidate the alliance, and the principle of friendship of the great family, which with repeated prodigies of valor and exertions of constancy, has thrown off forever the Spanish yoke.—The Plenipotentiaries of Mexico will sail during the course of the present month. I congratulate the Chambers and the American Continent on the near approach of an event which history will record as the most important which perhaps may occur in the nineteenth century.

And viewing the brilliant condition of the interior, new and important triumphs have heightened the glory of the Republic. The Spanish squadron in the Pacific, which encouraged the hopes of the government of Madrid, even after the campaign of Ayacucho, capitulated on the 1st of May, at Monterey, in the Californias—augmenting our naval forces with the ship of the line Asia, now the Mexican Congress, and the brig of war Constance. The importance of this fact is incalculable in Politics, and morally presents considerations highly honourable to Mexico—which was chosen among all the States which border on the great ocean, to receive the last spoils of the dying power of Spain in the seas of America. The generosity of the Republic, pledged to those unfortunate persons who adopted a new and better country, has paid them the dues of the Spanish government, which withdraws from all its engagements, whilst it demands their sacrifices.

The Chambers participate, at this moment, in the joy which transports me, remembering that at the end of four years of exertions and useless toils to effect the surrender of the famous Castle of San Juan de Ulúa, that is lowered which Cortés boasted in the Mexican waters. By reason of the organized plans of the government, of a vigorous siege by sea and land, and the daring movement of our marine upon that of the enemy, which a skilful hand directed, our troops took possession, on the 21st of November, of that post which is named the Gibraltar of America, which may be called the Key of Mexico, and which protected the sword enemies of independence at the gates of the Republic. An event of such magnitude, and which has been an object of the most ardent wishes of patriots, indemnifies the losses the nation has suffered by long years of contest, and is flattering to the Congress and Government at the success of their efforts exerted for the prosperity of the Mexican States.—The Republic has obtained the highest character, which repeated testimonials daily testify, and has impressed the last seal to the triumph of the great cause of the liberty of America, radically identified with the fate of Mexico. The government which views the National Congress seated on a throne of justice, asks of its august munificence that recompence to the valiant soldiers of the country which they deserve.

The Treasury, which in all countries is the bane of their riches and grandeur, is about to experience the most disadvantageous increase to its receipts. The creation of public funds has inspired our creditors with that confidence which constitutes the magic of our resources. The national credit in foreign markets rises proportionately with the scrupulous observance of our engagements to the houses who have loaned us. That of Birch Richards, & Co, at London, negotiated advantageously the loan which it was authorized to do by the Republic. Happily, very little of it has been paid for ordinary expenses. The purchase of vessels, armament, clothing, and equipment for the army, the collection of valuable and productive crops of tobacco, the funding a very respectable portion of the loan contracted in 1823 with the English house of B. A. Colenso & Co, and the most punctual payment of the dividends of the interest and ordinary liquidation, have been the objects of its investment, and with what advantage is seen in the army, in the augmentation of our marine in the acquisition of Ulúa, in the interior and exterior security which we enjoy, and in other improvements. The half of the products of the marine customs, and in Mexico sufficing, by reason of the great number of the ports, to meet the demands of the country, and the high cost of transportation, will give a revenue to the treasury, which stands in need; and the future estimate will show advantages which, compared with that of 1824, and even with that of 1825, will be more general and perfect. The maritime custom-houses have, for some months, been progressing towards a complete organization, which they will, no doubt, attain, on the plan designated for the purpose. The States of the Chiapas, Querétaro, Puebla, Tlaxcala, and Yucatan, have received that assistance, in money, which their resources, at this moment, do not supply. They will become productive, and revitalize to them will cease. The allowances to Coahuila, Chihuahua, and Tejas, have been opportunity attended to. To the Californias successors of every kind have been sent. The public stores of the capital are furnished with abundance of clothing and equipment for the army, which ensures its permanent respectability.

The regulation of a Tariff, so very urgent, will give to commerce that impulse, of which, perhaps, stands in need; and the future estimate will show advantages which, compared with that of 1824, and even with that of 1825, will be more general and perfect. The maritime custom-houses have, for some months, been progressing towards a complete organization, which they will, no doubt, attain, on the plan designated for the purpose. The States of the Chiapas, Querétaro, Puebla, Tlaxcala, and Yucatan, have received that assistance, in money, which their resources, at this moment, do not supply. They will become productive, and revitalize to them will cease. The allowances to Coahuila, Chihuahua, and Tejas, have been opportunity attended to. To the Californias successors of every kind have been sent. The public stores of the capital are furnished with abundance of clothing and equipment for the army, which ensures its permanent respectability.

Commerce, the channel of communication between consumption and production, is advancing, beyond all calculation, upon the shores of Mexico; and neither monopoly nor rivalry have been able to affect the markets. Yet the prosperity of commerce demands a short and convenient internal circulation, which the chambers will perfect, in considering, during its present session, the project

of roads.—There is scarcely a subject on which the general opinion is so decisively expressed.

The system of the Treasury, adopted by the sovereignty of the nation, has been prosecuted with care and effect, by the Executive. Through the exertion of constant efforts, and as the height of our good fortune, I can anticipate the chambers in the agreeable intelligence that it is probable the exigencies of the present year may be supplied by the natural productions of our soil. Let the alarm, that the paupers have disappeared, useful occupation has succeeded, and the hopes of families are renewed. So had passed from opulence to the most abject poverty. A spirit of generous and patriotic frugality in the mass, and the circulation of the signs of value which increased tea level with the public roads. The introduction of machines for the separation of metals from the ore, and the presence of skilful artists will diffuse here the light which we formerly envied in Europe. My imagination can scarcely embrace the excess of happiness which is to reserve for our country.

Manufactures, which secondly constitute the fund of our resources, have visibly augmented. Manufactories of paper, of iron, of glass, of cotton thread—all this proves the activity and enterprise of the Mexicans.

Although until now the communication of the two seas by a canal across the Isthmus of Panama appears problematical, every doubt has disappeared as to the facility of opening short and excellent carriage roads to the commerce of the world. The expedition, which the government ordered to that quarter, has returned with a confirmation of these notices, and has fulfilled in a great measure their objects. The Secretary of State will communicate in detail to the chambers, the untold efforts of the government, to leave nothing undone in the important objects of creating encouragement, and advancing the organization of the interior.

Let me be permitted to direct the attention of the chambers from this uninterrupted course of prosperity to the sad remembrance of the victims of a desolating pestilence which swept away great numbers of infants and children of tender age. The government visited the mansions of quiet, and its successors were proportioned to the evils and their lamentable effects—these fortunately have ceased.

Yet an infinite consolation fixes our attention again in the development of the germ of our liberties, which is forming constantly a fruitful and luxuriant tree, and extending the elements of life throughout the federative body. A year ago those persons lamented our fate, who entertained the foolish belief that we were incapable of being governed by the most sublime of known systems. It was thought that the code of the nation was a theory vain in itself, and that we should be lengthened in the result. It was thought that our legislators, destitute of foresight, or overwhelmed, by a torrent of dangerous ideas, would involve the people in the disasters of anarchy, when they wished to call them to social perfection. The Mexicans, intimate by nature with all that is good and great, and perfect, laughed at those vain predictions of ignorance, and perhaps, of bad faith. Universal content, adhesion to the laws, respect for the conservative maxims of our political existence, all contribute to support the wisdom and prudence of our Mexican Legislators.

Our country, crowned with glory, displays, in the presence of the Universe, peace, plenitude, and virtue, sheltered in her bosom. Let us now transmit her name to distant centuries with the majesty of her principles, and the immensity of her resources. The Chambers of the General Mexican Congress, in the plenitude of their power will take care to consummate the grandeur and happiness of the Republic. I have spoken.

NINETEETH CONGRESS.

FIRST SESSION.

OFFICIAL.

HOUSE OF REPRESENTATIVES.

PROCESS OF EXECUTION; U.S. COURTS.

Feb. 13, 1826.

The Committee on the Judiciary, to whom were referred certain resolutions, on the 18th of December, &c. &c. have agreed on the following reports.

The first resolution referred to the Committee, proposes the repeal of the 24th section of the Judicial Act of September, 1789. That section, as well known, prescribes the mode of proceeding at trials for capital crimes, and that the trial be held in the district or circuit in which the offense was committed. The committee has examined the bases on which the Legislature have established the bases of this branch, according to the terms of the general Constitution, and in conformity with the luminous principles of legislative science. The abolishing advancement in the moral character of the republic proves no less the arduous and difficult disposition of the Mexicans, than the regular operation of the institutions which we have adopted, and their analogy to the national habits. Trial by jury, and the right of appeal, are on similar service in the South Sea. The intercourse with the Californias, which was paralyzed for want of vessels, has been facilitated by the construction, at San Blas, of two packet-boats. The ship of the line, how Mexican Congress, now equipping, will sail within a month, from Acapulco for our northern coast, to be there employed in the service of the nation.

The Supreme Executive power charged with the prompt and complete administration of justice in the confederation, has exerted itself, that the existing laws in favor of the property, honour, and life of the citizen, may not prove brilliant chimeras, nor their decisions act as snares for the innocent, or promote the impunity of the guilty. The chambers know how far the powers of government extend, and the earnestness with which it regards this complicated part of the social organization. Congress must take measures in order that the judicial power may co-exist in its labors; the act for the administration of justice in the district and territories of the confederation, will complete to the worthy citizens who compose them, the security of the inestimable privileges of social man. The constitution of the several States, when examined, exhibit the judgment and circumspection with which the Legislatures have established the bases of this branch, according to the terms of the general Constitution, and in conformity with the luminous principles of legislative science. The trial by jury, and the right of appeal, are on similar service in the South Sea. The intercourse with the Californias, which was paralyzed for want of vessels, has been facilitated by the construction, at San Blas, of two packet-boats. The ship of the line, how Mexican Congress, now equipping, will sail within a month, from Acapulco for our northern coast, to be there employed in the service of the nation.

The question is not, whether this provision might not be usefully amended, or modified. The resolution referred to the Committee expresses the proposition, that the whole provision should be repealed. In this opinion the Committee do not concur; and they report therefore, that the resolution ought not to pass.

In regard to the second resolution, the Committee find, that, at the last session of the Supreme Court two cases were heard and decided, in the consideration of which it became necessary to examine, at large, into the state of the law regulating process, and especially final process, in the Courts of the United States. For the purpose of bringing fully to the view of the House the laws which have been passed on this subject, and the decisions of the Court in relation to them, the Committee have obtained copies of the reports of the cases before mentioned and have annexed them hereto.

The Committee further find, that, in conformity to the opinions of the Supreme Court, as pronounced in these cases, the Circuit Court for the District of Kentucky has established certain rules, regulating the process of execution in suits in that Court; a copy of which rules is also here annexed.

The Committee, having deliberately considered the subject, find difficulty in recommending a law to render execution process uniform, in all the Courts of the United States. Any such law, however framed, would, from the great differences which exist in the Laws of the several States, be certain to be found inconvenient, if not unpracticable, in some cases. It made to conform to State laws and local usages in one State, it would be like to introduce惊异的 novelities in others. On the other hand, the Committee think it would be wholly unsafe to provide, as a universal rule, that the State laws and practices as they exist from time to time, should be taken, with all their fluctuations and changes, as

the standard by which to regulate the proceedings in the Courts of the United States. Final process especially is, in its systems of jurisprudence, that part of legal remedy with concern perhaps more nearly, than any other, matter of right. If this be not so, all other remedy is wholly useless; and it is easy to conceive, even if experience on the point were wanting, that, by repealing all laws authorizing execution, or by requiring particular and extraordinary stipulations and conditions, as prerequisites to the issuing and serving of them, the substantial rights of creditors may be wholly taken away, or essentially and materially impaired.

The Committee are of opinion, that the forms of proceedings established by the States, respectively, should be adopted and followed by the Courts of the United States as being best known to the People, and suited to usage and habit, wherever those forms answer the substantial ends of justice, and secure, fully and fairly, the right of legal enforcement of contracts; but that, where such forms would fail of accomplishing that great end, it would be wholly incorrect in the Courts of the United States to adopt them.

It has been doubted, as will be seen, as well by the resolutions referred to the committee, as by the reported cases, whether the act of May 8, 1792, extended so far as to confer on the courts, a power, not only to prescribe by rule, the forms of writing execution, and the modes of proceeding on them, but also to declare what description of goods or estate, should be subject to the process; so as to effect, by execution, property not subject to such process; by the respective laws of the states, as adopted by the act of Congress, of September, 1792; and whether this be not a matter rather of legislative provision, than one fit to be regulated by the rules of judicial tribunals.

The committee are fully of opinion, without entering into the discussion of the true construction of the acts of Congress, that part of the subject, at least, embodied by the rules of the Circuit Court of Kentucky, ought to be regulated by law, either by adapting some known State provision, such as does now exist, or has heretofore existed, or by making a special provision by Congress itself. The part of the rules here referred to, is that which respects the sale of land *on fieri facias*. That subject they deem to be of such importance as to merit legislative provision, and naturally to require it. In departing from the general principle of the Common law, which does not hold land itself to be subject to debts, and in rendering land, and all interests in land, liable for their payment, it does not seem unreasonable to provide such guards as may prevent extraordinary loss and sacrifice. In most, or all the States, new and old, where land is subject to debts, some such provision exist; and in new countries they would appear especially necessary. By the existing law of Kentucky, the committee understand, they, before lands are offered for sale on execution, are to be valued by appraisers, and, if, on being exposed for sale, no offer is made of a sum equal to three fourths, the appraised value, no sale is to be made. No doubt provisions of this sort may be liable to possible abuses, from even valuation, and other causes, but, with proper and practicable security against such abuses, the principle itself, is not, as the committee think, exceptable. In their opinion, this course of proceeding may be properly applied to process issuing from the Courts of the United States; with a provision, however, that the appraisers shall be appointed by the court, and that they shall, in every case, be sworn to appraise the land to its present value, in current money of the United States. Nor do the committee see any objection to embracing slaves, as well as land, in this provision.

The attention of the committee has been called to the consideration of the same subjects, in relation to the States, of Ohio and Louisiana; and the provision which they recommend to the House, therefore, report the following Bill:

A BILL to amend the Laws concerning executions of the Districts of Kentucky, Louisiana, and Ohio.

Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third and sixth sections of an act of the Legislature of the State of Kentucky, passed the twenty-first of December, eighteen hundred and twenty-one, concerning executions, so far as the said sections apply to executions levied on lands and slaves, shall be received and adopted as regulating process issuing from the Courts of the United States in the District of Kentucky, in all suits where the United States are not plaintiffs or parties; and the third section of the sixth chapter of the first title, part second, of the code of practice in civil causes, of the State of Louisiana, so far as the said section applies to executions levied on lands and slaves, shall be received and adopted as regulating process issuing from the Courts of the United States in the District of Louisiana, in all suits where the United States are not plaintiffs or parties; and the third section of the sixth chapter of the first title, part second, of the code of practice in civil causes, of the State of Louisiana, so far as the said section applies to executions levied on lands and slaves, shall be received and adopted as regulating process issuing from the Courts of the United States in the District of Louisiana, in all suits where the United States are not plaintiffs or parties. *Provided*, however, That the appraisers, instead of being appointed, as is provided in said sections, shall be appointed by the Courts out of which the process issues, and that they shall be sworn to appraise the lands and slaves at their actual value, in legal money of the United States.

Sec. 2. And be it further enacted, That so much of the ninth section of the act of the General Assembly of the State of Ohio, entitled "an act regulating judgments and executions," passed the fourth day of February, eighteen hundred and twenty-four, as provides for ascertaining, by an inquest of freeholders, the real value, in money, of lands and tenements taken in execution, and that such lands and tenements shall not be sold, on execution for less than two thirds of such appraised value, shall be the law governing the execution of the writs of fieri facias and venditione expulsas, issued from the Courts of the United States, in the Ohio District, on judgments at law, where the United States are not plaintiffs or parties, or the two of the United States do not otherwise specially provide: *Provided*, That the Marshal shall summon and swear the freeholders to hold such inquest in the country where the lands and tenements to be sold in execution are situated: *And proviso also*, That the Courts from which the execution issued on which such lands and tenements are levied, shall have power, at any time

* The following are the sections of the law of Kentucky of 1801 referred to in the above bill:

for good cause shown, and, of course, after two successive attempts to sell, for two thirds of the appraised value, to set aside such inquest, and order a new one to be held.

Sec. 3. And be it further enacted, That the third section of the sixth chapter of the first title of the second part of the code of practice in courts of law of the State of Louisiana, so far as the said section applies to executions levied on lands and slaves, shall be received and adopted as regulating process issuing from the Courts of the United States in the District of Louisiana.

Sec. 3. When any sheriff, constable or other officer shall levy an execution upon any personal or real estate, he shall at the time deliver to the defendant or defendants thereof, or to his or their agent or attorney, if residing within the county, an inventory of said property, signed with his name and style of office, and shall note thereon the time and place when and where the same is by him intended to be sold; and it shall be the duty of the several county courts in this Commonwealth, to appoint fit and discreet housekeepers in each county, as commissioners, who shall be sworn to act impartially, in the valuation of property, in money, under the provisions of this act, any two of whom shall be sufficient to make the valuation of the property contained in the said inventory, and in case of their disagreement, may choose a disinterested umpire, and certify to the sheriff or other officer the value or appraisement thereof, taking each article or set of articles as it or they stand or are specified in said inventory; and the sheriff or other officer shall, on the day of sale, expose the said goods, chattels or real estate to public sale, or so much thereof as by the said appraisement shall be equal to the amount of said execution or executions, offering first the goods and chattels, if any, exclusive of slaves; next, slaves, if any; and lastly, the land or real estate, if any, or so much thereof as shall be sufficient; but the defendant or owner of said property shall have a right to direct that his slaves, if any, or land, if any, shall first be exposed to sale; and the sheriff or other officer shall sell, to the highest bidder or bidders, the said appraised property: *Provided*, the same will bring three-fourths of the value put thereon in the said appraisement; but if less than three-fourths of the said appraised value only is bid, such articles, or parts thereof, for which less only is bid, shall not be sold: *And provided*, that no more shall be exposed to sale than by said appraisement will cover the amount of the execution or executions, except that in selling the last article it may overreach said amount, in which case the surplus shall be paid to the defendant whose property shall have been sold. But the owner or owner of said property may, by his or their consent, in writing, have a further exposure of any part of said appraised property, if that, or any part which has been exposed, shall not be sold as aforesaid; and the said owner or owners may permit, by his or their consent, the said property, or any part, to be sold for less than three-fourths of the said appraised value.

Sec. 6. Property, real or personal, or bank stock, which shall be liable to be sold by an officer, or by any commissioner or commissioners under any order of sale or decree in chancery, shall be appraised and proceeded on in all respects as required by this act in case of proceedings by execution; and property mortgaged or conveyed in trust, shall not be sold by any officer or commissioner or commissioners, for less than three-fourths of said appraised value, unless the owner or owners, mortgagor or mortgagees, or person or persons creating the trust, shall consent that it may be sold for less.

HOUSE OF REPRESENTATIVES.

TUESDAY, FEBRUARY 21ST, 1827.
A bill for the Preservation and Civilization of the Indian Tribes within the United States.

Whereas, the United States are desirous of preserving from extinction the Indians living in and adjacent to the settlements of their citizens, and embraces those States also. The committee, therefore, report the following Bill:

A BILL to amend the Laws concerning executions of the Districts of Kentucky, Louisiana, and Ohio.

Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide a permanent residence for the several tribes of Indians, residing within the limits of any State or territory, except that part of the territory of Michigan lying West of Lake Huron and Michigan, the President of the United States be, and he is hereby authorized to adopt such measures as he may deem most expedient to extinguish the Indian title to a tract of country of sufficient extent, lying West of the Mississippi, and not included within any state or territory; and that, after our title is extinguished, be authorized to lay off the same, at such time and in such manner, as he may deem proper, for the several tribes of Indians, for whose permanent residence it is intended, and to exchange the same for lands now occupied by them.

Sec. 2. And be it further enacted, That in order to induce said Indian tribes to congregate to their proposed residence, and that the means employed, or that may hereafter be employed for their improvement and civilization, may have full operation the President be, and he is hereby authorized to pledge the faith of the U. S. in guarantee to the Indians who may agree to an exchange and removal, an immovable inalienability of such lands as they may acquire by such exchange, permanent peace and protection against the intrusion of white settlers, and a continuation of its friendship and aid in improving their condition, and forming and maintaining a system of government suited to their circumstances.

Sec. 3. And be it further enacted, That the President shall, by and with the advice and consent of the Senate, appoint three Commissioners, who shall jointly or severally hold treaties with the several tribes whose removal is to be provided for. And whenever the ascent of any Indian tribe can be obtained to such removal, provision shall be made, so far as practicable, for exposing to them a country distinctly bounded, and also for the expense of their removal, for the aid to be afforded to them, and for all the necessary arrangements which just regard to their situation may require. And it shall be the duty of the several agents and of other persons, in the Indian department, to explain to several tribes the views of the government, and to co-operate, as just and proper means to accomplish the objects herein provided for.

Sec. 4. And be it further enacted, That in all cases where the proper application of a tribe may require entering into any stipulations respecting the removal of such tribe, it shall be the duty of the

Commissioner or Commissioners or factor agent to enter into such arrangements with any individuals or tribes, and under the direction of the resident to make the necessary provision for the removal of such individuals. Both are to be sent such individuals as shall in no case affect the rights of the tribe.

Sec. 5. And be it further enacted, That upon a declaration being made by any Indian or Indians to a United States Commissioner or Commissioner, or to the Indian Agent residing near or with the tribe or nation to which such Indian or Indians belong, that a willingness to remove, his, etc. of any, upon certain terms for that object, shall be considered by the said act or the under the protection of the United States, and any injury done thereto to the person or persons of such Indian or Indians shall subject the offender or offenders committing the same to be prosecuted and punished in the same manner, and to the same extent, as though the offense had been perpetrated on the person or property of a citizen within the territory of the United States.

Sec. 6. And be it further enacted, that whenever circumstances shall, in the opinion of the President, render it proper a government shall be organized for the several tribes and individuals who may receive a gratuity by this act, and no government shall be administered by a Governor who shall be sworn to act impartially, in the valuation of property, in money, under the provisions of this act, any two of whom shall be sufficient to make the valuation of the property contained in the said inventory, and in case of their disagreement, may choose a disinterested umpire, and certify to the sheriff or other officer the value or appraisement thereof, taking each article or set of articles as it or they stand or are specified in the said inventory; and the sheriff or other officer shall, on the day of sale, expose the said goods, chattels or real estate to public sale, or so much thereof as by the said appraisement shall be equal to the amount of said execution or executions, offering first the goods and chattels, if any, exclusive of slaves; next, slaves, if any; and lastly, the land or real estate, if any, or so much thereof as shall be sufficient; but the defendant or owner of said property shall have a right to direct that his slaves, if any, or land, if any, shall first be exposed to sale; and the sheriff or other officer shall sell, to the highest bidder or bidders, the said appraised property: *Provided*, the same will bring three-fourths of the value put thereon in the said appraisement; but if less than three-fourths of the said appraised value only is bid, such articles, or parts thereof, for which less only is bid, shall not be sold: *And provided*, that no more shall be exposed to sale than by said appraisement will cover the amount of the execution or executions, except that in selling the last article it may overreach said amount, in which case the surplus shall be paid to the defendant whose property shall have been sold. But the owner or owner of said property may, by his or their consent, in writing, have a further exposure of any part of said appraised property, if that, or any part which has been exposed, shall not be sold as aforesaid; and the said owner or owners may permit, by his or their consent, the said property, or any part, to be sold for less than three-fourths of the said appraised value.

Sec. 7. And be it further enacted, that the system of government shall be extended to any of the tribes whose removal is not herein provided for, whenever circumstances may, in the opinion of the President, render such a measure proper, and the consent of such tribes can be obtained thereto.

Sec. 8. And be it further enacted, that at the sum of _____ dollars, and the same is hereby appropriated to carry into effect the objects of this act, and for no other purpose whatever, to be paid out of any money in the Treasury not otherwise appropriated.

NEW BANKRUPT BILL.

Many of our readers will see with pleasure, and none, we presume, with indifference, that a bill to establish a uniform system of Bankruptcy, throughout the Union, was yesterday reported by the Committee, by Mr Bayre, of N. C. The bill is, of course, very long, and requires a degree of attention and labor creditable to the Committee, and deserving the thanks of all who are interested in the subject. It is impossible for us now, to find room for any thing like a detailed exposition of its provisions; but, in addition to the reference made to the contents of the bill, by Mr. Hayne, in his introductory remarks, the following brief outline of its main objects, is offered to our readers.

The first section declares, in substance, that any Merchant, or other person engaged in commercial pursuits, who shall commit any of the acts of bankruptcy, therein specified, may be declared a bankrupt. Farmers, and others, are except from the operation of this section. The next sections provide for the appointment, in each State, of one General Commissioner of Bankruptcy, before whom shall be conducted all questions arising under the law, with the right of appeal to the Courts of the United States, and securing a jury trial, in all cases, where it may be demanded by either party. Special commissioners are authorized, in all cases where the court shall deem them necessary.

When a person is found to be a bankrupt, his whole estate is to be vested in *assignees*, chosen by the creditors, for the equal benefit of all the creditors. Various provisions are made, in other parts of the bill, with the object of securing to creditors the whole estate of the bankrupt. Provision is then made for the support of the bankrupt, pending the investigation, and for a final allowance to him, in proportion to the amount derived among the creditors. On its final appearance that the bankrupt has made a fair and full surrender of his whole estate to his creditors, and has acted throughout with good faith, the bill provides for his discharge from all further liability for existing debts.

A great many sections of the bill are devoted to the regulation of the proceedings of the Commissioner and Assignees; and prescribing the course to be pursued by the bankrupt and his creditors. The bill finally provides for the release of persons, other than traders, who, though exempt from the operation of the first section of the bill, are permitted, on the application of the creditors, and with their own consent, to become bankrupts—*vide Intelligencer.*

DOMESTIC.

REMARKABLE SPRING.

At 12 miles distant from Tanchasse, the new capital of Florida, is the Big Spring, the source of the Wakulla river. This celebrated fountain is one of the greatest natural curiosities in the United States. Ascending the river about one mile above its source, it becomes so much magnified by flags and river weeds that it is with great difficulty that a boat can be propelled up the stream; suddenly this immense spring breaks upon the eye. It is nearly one mile in length and of circumferential diameter is almost as transparent as air itself.

It is an unfathomable depth, which gives the water a deep blue tint, similar in appearance to the water in the Gulf Stream. It is stated that a plumb has drawn 250 fathoms of line without finding any bottom. After arriving in the centre of the spring in a small boat upon a clear day, the appearance of the azure vault above, and the blue depths below, gave rise to a succession of the most singular ideas. It appeared after abstracting the surrounding noise from the mind, that we were suspended in the immense regions of space. The water is highly impregnated with decomposed limestone; which gives it that extremely transparent appearance which can only be accounted for by supposing that water is impregnated with calcareous substances having a refractive power slightly greater than that of water in a state of purity. The temperature of the water is very low, even in full summer, and weather it may any appearance. It has however a pause, as taste by being highly impregnated

with the sulphur of lime. On the north side of this spring, a beautiful rainbow rises in front of the water. This is the site of the former English factory for the Indian trade, while this country was under the British crown, and afterwards the residence of the celebrated Apaches, who were exiled during the Seminole campaign. This fountain is fed from the subterranean sources which issue from the bowels of the earth, with great impetuosity, in the centre with the violence of gushing water. Some idea may be formed of the power with which it gushes from the earth, by its displaying a column of water more than 200 fathoms in height, and running with violence in the water on the surface. This spring is about 12 miles from St Marks, and about 20 from the ocean.

PAPER.

Experiments are daily made to reduce the original cost of merchandise. In numerous articles success has attended experiment; however little has yet been done to reduce the expense of manufacturing paper; an article in constant demand, and of which such immense quantities are daily consumed. Some successful experiments on this important subject have recently been made by an Italian by the name of Bixetti, to produce paper from unripe hemp stalks; and it also appears that still more successful ones have been made under the direction of Professor Sylvain. *But* this is nothing to what has been done in England. A writer in the Boston Palladium states that he has in his possession some specimens of brown wrapping paper, which he saw manufactured in England a few months ago from pine shavings only. The texture is said to be finer than that of paper manufactured from the ordinary materials. The discovery was patented in England in June last. Thousands very much like the project of Old Handy in the play of *convicting sawdust to deal boards*.

FROM THE RAILROAD REGISTER.

A singular occurrence happened in this vicinity a few days ago, which we mentioned by way of caution to careless nurses. A negro woman having left her child, about six weeks old, on the door went into an adjoining room, from whence however, she was soon recalled by the cries of her infant. A dog perceiving the door open, had made bold to enter, and either from the desire of gratifying his love of mischief or his appetite, bit a piece from its head two inches in length and one in breadth, and but for the intercession of the mother, would doubtless have killed it. As it was, the intercession of the train, called *we believe*, by physcians, *duo mater* was entirely exposed, and though the little sufferer is still alive, but little hope is entertained of its eventual recovery.

SUGAR FROM BEETS.

The bulletin of the society in France for the encouraging National Industry, for July last, contains the following interesting intelligence. The perseverance of M. Chaptal, the president, in his efforts to encourage the manufacture of sugar from Beets, has completely succeeded and it is expected that France will soon be able to produce sufficient of this article for her own consumption. It is asserted in the most positive manner, that sugar from beets and sugar from canes, are precisely the same substances.

It is acknowledged that the cultivation of beets is very beneficial to land, in preparing it for a wheat crop; and after the saccharine matter is extracted, the root is excellent food for the cattle. Besides the produce of sugar the manufacturer obtains also molasses, which give a considerable quantity of trandy—and in the manufacture great numbers of workmen find employment in the dull months of the year. Marshal the Duke of Ragusa, presented at the last exhibition, many fine loaves of sugar made from beets at the factory of Chastellon. A Mr Cresvel owns a factory at Arras, where he makes about 200,000 pounds of sugar by an excellent process, which he communicates freely to all who wish to be informed of the subject. He obtains from 10 parts of beets, 5 parts of sugar, and 1 part of molasses. One hectare of land (2 1/2) planted with beets, give him 3000 pounds of sugar or 1200 pounds per acre. M. de Bleau of Bellor (Orne) has simplified the fabrication of this sugar in such a manner, that it may be made in common families. A factory is established at a Point a Noyon, (Somme) by Messrs. Mason and Andes.

* The Society awarded to Mr C a gold medal.

2 CURIOUS RACE WHERE BOTH PARTIES WIN.

One year ago two men on horseback, stopped at a tavern in one of the lower counties, and after remaining there several days they took a walk. When they returned they appeared to be in a terrible passion about the speed of their horses; each of them swearing that his horse could beat; at last they agreed to run a race, and he whose horse should lose, should pay the tavern bill, as to witness the race; to which the landlord assented. Next day they both got ready for the race, went to the starting and the landlord gave the word, Go—of they went at full speed but they have not yet returned to tell the result—query, who had to pay the bill!

CHARLSTOWN, (Ia.) FEB. 25.

A singular and melancholy circumstance took place in this county, about six or eight days since, at the house of Mr. John Fry. The precise particulars attending this circumstance, we have not been able to collect, but our informant states them, as follows: Some time after Mr. Fry and his wife, together with their infant child, about two months old, had retired to bed, for the night, a black boy, who was lying in the same room, heard the infant crying, and called to Mr. Fry, who, half-awake and half asleep, laid his hands on the child's feet, and finding they were cold, wrapped them in the bed clothes, and again fell asleep. Nothing more was thought of, until the next morning, when, to their *astonishment*, the child was a lifeless corpse. On examination, it appeared that the flesh was eaten from off its face, head and temple, so as to cause its death; and that it was undoubtedly done by what are called "NOR-WAY RATS," as the boy, at the time he called to Mr. Fry, heard them running in the bed.

The above circumstance ought to be a sufficient inducement, for persons whose premises are infested with those troublesome and dangerous inhabitants, to use extra exertions to rid them from the country.—*Indiana Intelligencer.*

GUESS WORK.

When I see children frequently ransacking neighboring orchards and carrying away

neglected an old breast work, and measures taken to furnish ammunition for them. In the constant state of alarm that existed, the dry goods had become scattered on the shores, and the clothing from the houses in the village, for fear of a repetition of an late in 1753, when it was burnt and plundered. Paper being found insufficient for cartridges, flannel was sought for, and very difficult. In this critical emergency, with the enemy almost within gunshot, Mrs. Bailey, wife of Capt. Elijah Bailey, postmaster, a genuine daughter of seventy-six, who had captured a man at her post, loosened and risked her flannel, bidding them take it in defence of her country, and any other garment would be of service they might have that also. Major Smith, present high sheriff of the county, gave his drawers for the same purpose. The postilion, however, was not made into cartridges by the gallant volunteers who made a standard of it, declaring they would fight under it to the last drop of their blood, rather than strike it to the enemy. President Monroe, on his tour through Connecticut, was introduced to Mrs. Bailey, and told the story, which was also repeated to Lafayette on his visit to that place and seeing the heroine of the anecdote.

II.

THE SAGAMORE

EDITED BY JOHN BRADFORD.

FRIDAY EVENING, MARCH 10, 1826.

A publication in the *Reporter* of the 6th inst signed "A Fayette Farmer," unhesitatingly states, that "the judge breakers have put into circulation a Petition to the governor, praying his excellency, most humbly, to convene the legislature, that a COMPROMISE COURT may be established &c." We think it due to the party intended to be calumniated by this *Fayette Farmer* as well as to candor to state, that the first intimation we ever had of an intention to petition the governor to call a meeting of the legislature, was from an enemy to the reorganizing law, and a friend to the old court; that a few days afterwards we were applied to by four as respectable gentlemen of the old court party as any in the state, and possessing political talents inferior to none, to print a copy of these petitions to be circulated through the state, and to give it a place in the *Kentucky Gazette* all which was done at their particular request and at their proper costs. In addition to this, we were directed to forward our paper containing the petition to 80 gentlemen (not our subscribers) and whose names were furnished us, to be paid for by the old court party, with which we also complied. We are well assured that the gentlemen who procured the petitions to be printed and circulated, had no other than honest views to bring about an amiable adjustment of political differences in the state, upon principles fair and honourable to both the contending parties.— We are anxious that their purpose should be accomplished;—every one who is disposed to oppose such an adjustment, cannot be deemed a friend to order or to his country.

SUPREME COURT OF THE UNITED STATES.

Tuesday, February 21.

The Resolutions of the Bar, and officers of the Court, relative to the decease of Mr. Justice Todd, were moved, and ordered by the Court to be entered on the minutes.

The ship *Maria Anna Flora*, &c. Appellants, vs. United States, &c. Appellees.

The argument of this cause was continued by Mr. Webster, for the appellees, and by Mr. Everett, in reply, for the appellants, &c.

At a full meeting of the Bar and Officers of the Supreme Court of the United States, in the Court Room at the city of Washington, on Monday, the 20th day of February, Anno Domini 1826. Mr. Attorney General Wirt being called to the Chair, the following resolves were proposed by Mr. Webster, and unanimously adopted:

Resolved, That the members of this Bar, and Officers of the Court, feel sensibly the loss which this Court and the Country has sustained, in the death of the Hon. Thomas Todd, late a Judge of this Court.

Resolved, That to testify their respect for the virtues and talents of the deceased, and their sense of the loss which the community has sustained by his death, the members of this Bar, and the Officers of the Court, will wear the usual badge or mourning, for the residue of the Term.

Resolved, That the Attorney General, in behalf of the Bar, and Officers of the Court, do respectfully move the Court, that the foregoing resolutions may be entered on the minutes of its proceedings.

WM. WIRT, Chairman.

TO THE PEOPLE OF KENTUCKY.

"Pacifist" again attempts to address you upon the most important and interesting subject that has engaged your attention for many years. And however much, the views I gave you in the last Gazette may be abused, and perverted, yet I am conscious that they were bottomed upon honest feelings, and arose from an ardent wish to promote the general good, by exciting the tumult and disorder which seem to have almost unsettled the very foundations of the Government. It is foolish in us now to ask, what party was this tumult created? The only question should be, how can it be settled? Wise men, who see the mischief, should immediately strive to remedy the evil. Delay and indecision in such cases are sometimes followed by misfortunes which for a long time retard the progress of improvement, and cripple the enterprising spirit of the people. As for myself, although I may be mistaken in my *sentiments* upon this subject, yet I know that I am not mistaken in my *feelings*. I am anxious for the glory of the state, and for the public good, to see its citizens once more interchange those friendly feelings which sweeten society, and bless it with the smile of peace. I wish to see the trumpet tongue of scandal hushed in the land, and all the malignant— stormy feelings which faction produces, banished far distant from our borders. Look around you and what is there to please the eye, or gladden the soul of the Patriot? Look to the future and calmly reflect upon the melancholy prospect which it exhibits. And although many have cried out that "all is well," yet you must convince my understanding of the fact, and disprove the abundant testimony which surrounds me, before my apprehensions can be lulled to sleep. I see much to regret

in the past and much to mourn over in the present; but the picture which rises before me, and displays to my imagination those scenes of future trouble to which hang over our communities, is more appalling than all we have passed through. I see the danger which the property of private and peaceful men is exposed by the present deranged administration of Justice. I see your legislature filled with acrimony & speaking the language of bitter—unyielding opposition. I see two sets often contending for the supreme Bench, and this great pillar of safety becoming an object of terror to the very people by whom it was erected. How long shall this depraved state of things be continued? How long shall the repose of 600,000 people be interrupted to elevate a few men to office, and to gratify the views of partition, intrigue, and ambition? Was Government instituted for this purpose—to be thrown into a ferment at every demagogue who might seek for power? Is the happiness of a great people to become the plaything of passion, and to be sacrificed without ceremony by those who may struggle for office? If so, then the surest plan to check it, will be a continuance of this miserable contest. For it is the privilege of the free to bring disagree upon themselves whenever they prefer it to honour and to become slaves, so soon as they are tired of freedom. But I sincerely pray that Kentucky may never be reduced to a condition so degrading and impotent; and my efforts, however feeble shall at all times be exerted to prevent so sad a catastrophe, and to stop the current of public opinion which following the mad career of violence and of passion.

The safety of the citizen depends upon the regular operation of law, and the impartial administration of Justice. And when men of unimpassioned reason set at the helm, and control the great machinery of Government, no danger is to be apprehended. Then the powerful and the wealthy, the rich and the poor—the Federalist and the Republican are all equally subject to just power and equally certain of protection. Then no man can have a separate claim upon favour on account of his political influence or opinions. But the rights of every citizen are equally respected and all how with equal readiness to undisputed decrees and treat with becoming respect the great tribunals of the Commonwealth. Thus situated, the people are happy—contented and peaceful. For what more can they wish, than to be governed by those laws which they have enacted and to be controlled by the decisions of that court which they have clothed with undisputed authority?

But whose rights are secure when reason sinks and the general tumult and party spirit, with demagogic fury, lashes on the people to deeds of desperation? When can say that his property or freedom is safe from interruption when there are no settled principles by which they can be protected? Respect for the laws and reverence for the constitution alike cause, & passion tyrannies over Justice. And the patriot who, for a moment, reflects upon the countless evils to which it drives a Government, must tremble for its safety and its honour. There are terrors in all human beings, when vice triumphs over virtue and passion exercises uncontrolled dominion over the understanding. Then it is, that the good man, although sinking under his own infirmities, drops a tear of pity, for the weakness of others. But when a whole community seem to be thrown off their guard by the turbulence of their own feelings—when the rights of all are at stake upon the tempestuous Ocean and at the mercy of the wild winds of passion, the patriot is animated by the noblest enthusiasm, struggles to save them from sinking. And if he falls in the effort he nobly falls; but if he succeeds he will be crowned with everlasting laurels. And I hope that I will not be called presumptuous, if amid the general confusion, I invoke the people to deliberate well, before they advance upon dangers yet untried. I will say to them in the language of "Holy writ," "Come and let us reason together."

The condition of suitors at this time is painful in the extreme. Property an immense amount is depending before the Appellate Court; and as only one Court is known to the Constitution, it follows that all decisions given by the other are illegal and not binding upon the parties. Appeals are sometimes taken to both Courts; in which case the person who succeeds must return home loaded with expense equaling if not exceeding the amount sued for. And in a variety of instances the Defendant refuses to appear in the Court to which the Appeal may have been taken, because he honestly believes that it was taken to the wrong Court. But in the end this very Court may be established as the Constitutional court of the Country. Men may spend their time and money and quarrel for years in one Court when at last it may be overthrown and all its opinions be overturned. These are facts too plain to be resisted and too alarming to be neglected.

All the property which at this time may be given to you by the decrees of one court may hereafter be taken from you by the decrees of the other. Then why will you endanger all that you hold dear? The home you now possess may be taken from your children when you are gone and some unfeeling, hasty stranger drive them penniless upon the world. The store you lay up for old age and for the winter of life may be robbed by some mercenary and hungry being who fattens and preys upon the folly and weakness of mankind. For no principles of jurisprudence can be settled during the continuance of the excitement. They will always be liable to be again questioned and to be differently decided. Why shall this mischievous be suffered, when it can be so easily prevented? Why will frenzied subjects themselves to so much danger, when they have the power to set it every difficulty and to put a stop to all this confusion?

The circuit judges—sheriffs and clerks are also most painfully situated. If they even act according to the most honest convictions of their understanding, they are denounced by one party or the other, and perhaps by both. And the duties they have to perform in these times of trouble must be to them extremely embarrassing. And see what a diversity of practice it has introduced into the country. Almost every district seems to be governed by a distinct code of laws. In one county you see the orders of one court recognized by all its officers; when if you just cross the line, you will see the orders of the same court ridiculed and condemned, while the decrees of the other are willingly obeyed. Pass further on and you will see the judge obeying one court—the clerk another and perhaps the sheriff obeying both. And see also how these officers subject themselves to almost endless prosecution. For hereafter, their acts may be declared void and a jury may find them guilty of trespass and punish them with heavy damages. All their official acts may be inquired into and be pronounced illegal. These facts will be so many fruitful sources of litigation hereafter. Law suits will multiply by hundreds and a few men may flourish on the spoil. But the great body of the people for whose benefit governments were created will be led "like the fat-sated sheep," to slaughter. And why will they permit this state of affairs to continue any longer? why will they suffer their government to be thus controlled according to the different feelings of every man that fills an office? Shall their sovereignty be thus trampled on, and their laws be resisted or obeyed just as the feelings of men may operate upon them? If so, then are laws useless and government but an empty name.

Suppose that an exception at this time should issue from the New Court against a friend of the other party; would he suffer his property to be sold under it, when he believes that the court is unconstitutional and of course without the power to issue such a decree? No; he will resist it, even at the hazard of his life. And such will be the fate of decrees issuing from the old court against any of its political enemies. The result must be evident to

all. The wheels of justice must either be entirely stopped, or be reddened with the blood of the citizens they will have to crush. Then why do not the people rise in the majority of their power and quiet the tumult which serves only to excite private feelings and to endanger the lives and property of every citizen!

Is there a man in the country who is ambitious of lasting and of honourable fame? Is there one who wishes to raise his reputation upon the public good and to die with the imperishable honours of a Patriot? If so, let him come forth, the fearless advocate of peace & with a spirit stung to save the temple of justice from ruin, and our once peaceful Commonwealth from the anticipated horrors of civil commotion. And whatever in these unhappy times will nobly lay aside the bitter feelings which unite the partizans and honestly strive to allay the turbulence of party pride and harmonize the people will be hailed as a patriot in afterages.

Where two, let me ask, sleeps the peaceful Christian spirit of the community? For they are a people "zealous of good works," and when the generous enthusiasm of the patriot is purified by the spirit of the Christian, it gives him a command over his passions and peace becomes the first impulse of his heart and follows upon his footsteps. Then let him recommend the spirit of mutual forbearance and "clarity which overcomes a multitude of faults," and thus aid in giving peace to an agitated country. The thanks of thousands will hereafter consecrate the Christian deed and the blessing of Heaven will rest upon him—for it has been declared, "blessed is the peace maker."

PACIFICATOR.

CONGRESS AT PANAMA.
The primary topics to which the attention of the representatives in the congress at Panama will be directed, are these, as enumerated by the writers in the South American newspapers, and in the N. A. Review.

1. To form a solemn compact, or league, by which the states, whose representatives are present, will be bound to unite in prosecuting the war against their common enemy, Old Spain, or any other powers, which shall assist Spain in her hostile designs, or in any otherwise assumes the attitude of any enemy.

2. To draw up and publish a manifesto, setting forth to the world the justice of their cause, and the relations they desire to hold with other Christian powers.

3. To form a convention of navigation and commerce, applicable both to the confederated states and to their allies.

4. To consider the expediency of combining the forces of the republics, to free the Islands of Puerto Rico and Cuba from the yoke of Spain, and in such case, what contingent each ought to contribute for this end.

5. To take measures for joining in a prosecution of the war at sea, and on the coasts of Spain.

6. To determine whether these measures shall also be extended to the Canary and Philipine islands.

7. To take into consideration the means of making effectual the declaration of the president of the United States, respecting any alteration or design of a foreign power to colonize any portion of this continent, and also the means of resisting all interference from abroad with the domestic concerns of the American governments.

8. To settle by common consent, the principles of those rights of nations which are in their nature convertible.

9. To determine on what footing shall be placed the political and commercial relations of those portions of our hemisphere which have obtained, or shall obtain their independence, but whose independence, has not been recognized by any European or American power, as for many years the case with Hayti.

March 10—10

WOODEN NUTMEGS OUT DONE.
An Ohio paper, in noticing the great increase of Tobacco planting in that state, informs us, that such is the demand for Tobacco Seed, that it is disposed of at a dollar per gill.

An individual in Belmont county has sold, within the last six or eight weeks, seed to the amount of nearly three hundred dollars, and we have been informed that some of the wooden nutmeg folks have seized the opportunity of speculating, but instead of supplying the people with Tobacco Seed, they will sell them mullen seed, and in the absence of that, have been known to substitute pulverized decayed wood, and dispose of it to the uninformed at a genuine little peartree.

Bal. Patriot.

The last Annual Obituary of the Russian Empire published at St. Petersburg records the death of a man at the very advanced age of 168, near to Pollock, on the frontier of Livonia. He had seen seven Sovereigns on the Throne of Russia, and remembered the death of Gustavus Adolphus. He had been a soldier in the Thirty years war; at the battle of Poltava, in 1709, he was 51 years of age. At the age of 93 he married his third wife, with whom he lived 50 years; the two youngest sons of this marriage were 86 and 82 respectively in the year 1796; the oldest of his other sons in the same year were 95 and 92 respectively. The entire family of this patriarchal comprises 133 descendants who all live together in the village of Poltava, which the Empress Catharine the Second caused to be built for them, granting at the same time a considerable tract of land for their support. In the 163 year of his age, this modern Nestor was in the enjoyment of the most robust health.

A copy Attest,

AUCTION.

ON FRIDAY AND SATURDAY,

The 17th and 18th March,

With Sale.

BY DANIEL BRADFORD,

An assortment of Merchandise, being the stock

of a retail store, consisting of

Broad Cloths and Cassinet's Pease Cloths, 3 &

4-ply Blankets, Cotton Plaids, assorted; Calicoes

and Gingham Hoods; Furniture; Chaises, Boxes,

and Gingham Ruffles; Silk Stripe Russia Drilling;

Black Silk, Cotton and Worsted Stripes;

Thread, Silk and Cotton, Linen Silk and Crapé

Shawls; Handkerchiefs; Linen Cambrics, plain

and figured; Mull Jaquard and Rock Muslins, fig-

ured Silks, Bon Lazette, Brown Holland, Vesting-

American and India Drapery, Dandy, Sewing

Silk, Italian and Canton Crapés, Bandana Hoods,

Cotton Shawls; Silk Gauze and Thimble Bottling

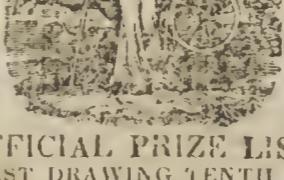
Clothes; Hatters' Trimmings; Cotton, Silk &

Worsted Hoses and Gloves; Ribbons, Cloth, Sisal,

Sweeping and Scrubbing Brushes, and a variety of

other articles too tedious to mention.

10-11



OFFICIAL PRIZE LIST

OF FIRST DRAWING TENTH CLASS

Grand Masonic Hall Lottery,

Which took place in the GRAND HALL, on Sat-

urday afternoon fast, at 4 o'clock, P. M.

14 1005 15 2122 20 3270 15 4123 20

23 16 15 62 35 6

35 38 332 300 27

51 1140 15 57 93 55 20

67 51 98 401 65

49 1232 466 15 75

9 37 15 92 23 424

115 50 506 15 7 7 20

17 68 12 9 48 20

28 99 43 54 57 20

80 1351 500 61 531 73

2 76 63 609 9

83 85 18 30 503

223 8 609 704 16

42 15 531 36 5



POET'S CORNER.

FROM THE OLIVE BRANCH.
Again the trumpet of discord sounds
Relentless, near and far
Agar are faction's bus'ld hounds
Loud bellowing civil war;
And 'ere another year to strife
Shall end in peace to all.
Perhaps beneath the assassin's knife
May other worthies fall,
Does not some pow'ful agent spur—
Some desperate men conspire—
Some dark mysterious spirit stir
The work of blood and fire?
Does not some nest of fiends unseen,
Their plots of mischief fur'd?
Does party zeal or private spleen
Work siygly in the storm?
Could such a train of awful crimes
To casualty belong,
The men, the objects, and the times,
Would strike suspicion strong.
Still terror reigns with treason base,
And faction lends her hand,
To bring convolution and disgrace
On this devoted land;
Already justice cries aloud,
The broken laws give way,
Ungoverned rage infects the crowd,
And daggers rule the day,
And 'o'er will litigation end,
Nor law from doubts be free,
While law makes the laws, and hand
Their force to ev'ry fee.
Our Constitution nobly stands,
The work of generous hearts,
But shows the touch of lawyer hands,
Perplexed in various parts.
The bond that should all hearts unite,
Divides and rives more,
And keeps the strife 'twixt power and right,
Forever in a toil.
The social bond is tried to stacc
That knaves will go astray,
While 'o'er men to bring them back
Slip out some nearer way.
I dread the law's irreconcilable tribe,
For dangerous will they be.
While money has the pow'r to bribe
And set the guilty free,
Not freedom's boast, nor pride of health,
Nor honor's law's control,
Tis wealth, fictitious, spurious wealth,
That subjugates the soul.
It is not wealth that comes too light,
But few its value find,
Till half-enjoyed it takes its flight
And leaves remorse behing,
Tis trash, the sirs of pride, and trash
And artificial need;

It stings our appetites for cash,
But makes us poor indeed.
Ambition false, and envy vain,
Torn ev'ry blessing sour,
And keeps us ever on the strain
For things beyond our pow'r.
The dull pursuits of civil life
Our daring sons disdain,
And deep in speculat'ne strife,
Despise all moderation again,
Our gallant page for honor dear
In pride of office ends,
Our flattering tides fast I fear
To kingly glory tends,
Commanders brave bave we—in show,
Who battle never saw,
And judges wise, who scarcely know
The language of the law;
And here I light your pride alarm,
Ye knaves of low degree,
But rav'ning wolves do greater harm,
So nibbling rats go free.
Now let us compromise to prove,
And like true knights devote our toils,
To Liberty and love.

A PRINTERS APOLOGY,
FOR ASKING HIS SUBSCRIBER'S TO PAY FOR THE PAPER
"Out of wood—and clothing scant—
Dry goods due for—hats in want—
Children fretful—wife complaining—
Credit difficult sustaining—
Notes to manage—discount rate—
Debt enough—can't live on air—
Though I wond by no means buy ye—
Think ye—do I not want money?"

Dissolution of Partnership.

The Partnership of E. & R. Henry was dissolved on 23d day of December 1824, all those indebted to said firm are requested to come forward and make payment, as further indulgence cannot be given, and all those holding claims against said firm are requested to call and receive payment at their for her stand where Richard Henry, who is authorized to settle all accounts of said firm will strictly attend to that business.

ELIJAH HENRY,
RICHARD HENRY.

Blacksmith's Business.
Richard Henry continues to carry on the Blacksmith's business at the former stand, at the upper end of the upper market, Water Street Lexington. He intends keeping on hand, Axes and a general assortment of new work in his line, warranted of the best quality.

January 7th 1825—1—tf

NOTICE.

All persons indebted to the estate of John Bridges deceased are requested to come forward and settle their respective balances, as no further indulgence can be given; and those who have claims against said estate are requested to bring them in proper authentication, in order that payment may be made for their payments.

ELIZABETH BRIDGES, Administr.

Col. Solomon P. Sharp's Clients,
RE informed, that his executors have employed A. D. NEL MAYES attorney at law, to close the unfinished business of Col. Sharp, in the several courts of Law in Frankfort and the adjoining counties. Mr. Mayes has taken possession of the room lately occupied by Col. Sharp in Frankfort as a law office; and will regularly attend to any business of a professional character that may be confided to him. It is his intention to resign his station as representative immediately on the rising of the legislature, & to reside in Frankfort.

Dec 16th 1825—50—tf

JAMES B. JANUARY.

PRESENTS his compliments to his clients and informs them, that during his temporary absence, their business in Fayette circuit court will be attended to by Richard H. Chinn, Esq. Col. Leslie Combs and Col. Thomas M. Hickey, and in the Jessamine circuit court by Maj. James Shannon and Capt. Levi L. Todd.

Lexington Jan 27th, 1825—4—tf.

YOUNG EAGLE.

WILLIS and the ensuing season commencing 4th of March at the Farm of the subscriber on the Strode's road leading from Lexington to Winchester, and five miles from the former; for particular bills.

PARKER DUDLEY.

THE celebrated Jack
SANCHEZ,
kept formerly by Mr. Joseph Graves will likewise stand at the same place. P. D.

January 9th 1825—2—tf

Pittsburgh Porter, Beer & Ale

THE Subscribers respectfully informs the citizens of Lexington and its vicinity, that he has recently brought with him from Pittsburgh,

One Hundred and thirty
Barrels of

SHIRAS first quality
Porter, Beer & Ale.

Persons who wish to purchase, will please CALL AT THE CELLAR ON CHEAPSIDE, under the building formerly occupied by Mr. Daniel Bradford as an Auction Room, where it can be had by the dozen, draught, or single bottle.

GABRIEL REED.

February 3d, 1825—5—tf

The social bond is tried to stacc

That knaves will go astray,
While 'o'er men to bring them back
Slip out some nearer way.
I dread the law's irreconcilable tribe,
For dangerous will they be.

While money has the pow'r to bribe
And set the guilty free,
Not freedom's boast, nor pride of health,
Nor honor's law's control,
Tis wealth, fictitious, spurious wealth,
That subjugates the soul.

It is not wealth that comes too light,
But few its value find,
Till half-enjoyed it takes its flight
And leaves remorse behing,
Tis trash, the sirs of pride, and trash
And artificial need;

It stings our appetites for cash,
But makes us poor indeed.
Ambition false, and envy vain,
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And keeps us ever on the strain
For things beyond our pow'r.

The dull pursuits of civil life
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And deep in speculat'ne strife,
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Commanders brave bave we—in show,
Who battle never saw,
And judges wise, who scarcely know
The language of the law;

And here I light your pride alarm,
Ye knaves of low degree,
But rav'ning wolves do greater harm,
So nibbling rats go free.
Now let us compromise to prove,
And like true knights devote our toils,
To Liberty and love.

STEAM FOUNDRY.

THE subscriber respectfully informs the public that

"THE LEXINGTON STEAM FOUNDRY"

is now in operation at his old stand back of the Wool-

CARDING FACTORY on Water-Street opposite the lower

Market where all kinds of

CASINGs in IRON or

BRASS will be executed on the shortest notice.

WOOL CARDING MACHINES complete made of the most approved patterns.

BEELS cast to all sizes.

He will also furnish the WROUGHT IRON WORK

and GASTINGS in sets for machinery or any part of it

or CASH given for old COPPER, BRASS, IRON &

PEWTER.

DAVID A. SAYRE.

Lexington January 12, 1825—2—tf

LA MOTT'S

COUGH DROPS.

Important Medicine for Coughs and Consumption.

This Elixir is not offered to the public as infal-

lible, and a rival to all others, but as possess-

ing virtues peculiarly adapted to the present pre-

vailing disorders of the breast and lungs, leading to

consumption. A timely use of these drops may be

considered a certain cure in most cases of

Common Colds, Coughs, Influenza,

Whooping Cough, Pain in the Spleen, Difficulty

of Breathing, Want of Sleep

arising from debility; and in Spasmodic Asthma it is

singularly efficacious. A particular attention to

the directions accompanying each bottle is neces-

sary.

The following certificates from respectable gentle-

men, physicians and surgeons, are subjoined, to

show that this composition is one which enlighten-

ed men are disposed to regard as efficacious and

worthy of public patronage.

Having examined the composition of Mr. Cros-

by's improvement upon

La Mott's Cough Drops.

we have no hesitation in recommending them to

the public, as being well adapted to those cases of

disorder for which he recommends it.

DOCT. Jonathan Dorr, dated Albany, Dec. 4,

1824. Post, of White-Creek, Feb.

February, 14th, 1825. Watson Sumner and

John Webb, M. D. of Cambridge, Feb. 20th

1825. Solomon Deau, of Jackson, Jan. 20th

1825.

Mr. A. Crosby—I am pleased with this oppor-

tunity of relating a few facts, which may serve in

commencement of your excellent Cough Drops.

For two years I was afflicted with a pulmonary

complaint, my cough was severe my appetite weak

and my strength failing. I used many popular

medicines, but only found temporary relief, until

it was diminished out of your valuable drops, I have

been blessed with such perfect health as to

render further means unnecessary.

Rev EBENEZER HARRIS.

Salem [N. Y.] January 12th, 1825.

Prepared by A. CHOBSTY, sole proprietor,

Bridge (N. Y.) whose signature will be affixed

in his own hand writing to each bill of directions.

Be particular that each bottle is enveloped

in a stony or check label, which is struck on

the same bill with the direction.

Sold wholesale and retail, by Dr. G. DAWSON

Pittsburgh—J. CRAMBECKER, Wheeling—F.

M. WEDDELL, Druggist, Cleveland—

PRAT and MFACII, Druggists Buffalo—O. &

S. CROSBY, Druggists Columbus—GOOD

WIN, ASHTON & CO. M. WOLF & CO., A.

FAIRCHILD, Druggists Cincinnati—BYERS

and BUTLER, D. WILSON, Druggists Lou-

ville—and retail by J. D. THOMAS, Win-

chester Ky and at the

Drug Store of James Graves,

Lexington, Ky.

Each bottle contains 45 doses; Price One Dollar

and nine Dollars per dozen.

May 25th 1825—1 year.

—

For Sale of Land and Slaves.

ON the 15th day of March, 1825, will be sold to

the highest bidder, at Public Sale, 31 acres

of Land and 5 slaves; The property will be sold at

12 months or less, bond and approved security re-

quired, payable in Gold and Silver; Sale to take

place on the Land, which is situated five miles

from Lexington on the Hickman road, by the place

where Nancy Pettit lives. Sale made in obedi-

ence to a decree of the Fayette circuit court, and title indisputable;

HARRY PETTIT;

February 23, 1826 8—3

Commissioner.

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NOTICE.

All persons indebted to the estate of John

Bridges deceased are requested to come forward

and settle their respective balances, as no further

indulgence can be given; and those who have

claims against said estate are requested to bring

them in proper authentication, in order that pro-

vision may be made for their payments.

ELIZABETH BRIDGES, Administr.